

### **EXAMINER'S AMENDMENT**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 09, 2009 has been entered.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with John Mattingly on January 13, 2010.
4. The application has been amended as follows:  
  
Claim 12. An automatic analyzer comprising:  
  
a sample dispensing mechanism that dispenses a sample from a sample container;  
  
a sample container disk, arranged to accommodate a plurality of sample containers, including said sample container, arranged circularly on said sample container disk, and rotated to transfer the sample containers to a sample dispensing position of said sample dispensing mechanism;  
  
reaction vessels in which samples dispensed by said sample dispensing mechanism are discharged;  
  
a measuring unit that measures reactions in said reaction vessels;

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an information recording medium attached to said sample container, that stores information for identifying a sample in said sample container;

an information reader arranged to read, when said sample container is positioned at an information reading position, [[an]] sample information recorded on said information recording medium attached to said sample container positioned at said information reading position;

an information storing section that stores said read sample information;

a controller that controls said information reader to perform said reading of said sample information recorded in said information recording medium prior to a first sample dispensing operation of said sample dispensing mechanism, identifies, and stores said sample information in said information storage section, [[,]] said controller controls said information reader to again perform said reading and identification of said sample information recorded in said information recording medium just before a second sample dispensing operation of said sample dispensing mechanism, wherein said controller further checks said stored sample information to determine whether or not the sample to be dispensed by said sample dispensing mechanism in the second sample dispensing operation is [[a]] the same sample whose information has been previously read by said information reader prior to said first sample dispensing operation<sub>[[;]]</sub>, wherein said controller controls said sample dispensing mechanism to dispense a sample from said sample container when the sample to be dispensed is determined to be the same sample whose information has been already read by said information reader; and

further comprising a cover configured to prevent a sample container from being taken out of the sample container disk from the time said information reader again performs said reading of information recorded in said information recording medium

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until after said second sample dispensing operation of said sample dispensing mechanism.

Claims 12, 21, and 23-26 are allowed.

***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance: the known prior art does not teach or fairly suggest an analyzer as set forth in claim 12, in particular, an analyzer controller that controls the information reader in the manner recited in the claim and a cover configured to prevent a sample container from being taken out of the sample container disk from the time the information reader again performs the reading of information recorded in the information recording medium until after the second sample dispensing operation of the sample dispensing mechanism.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. The prior art made of record herein and not relied upon is considered pertinent to Applicant's disclosure as general background information related to Applicant's field of endeavor.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Kathryn Wright whose telephone number is (571)272-2374. The examiner can normally be reached on Monday thru Thursday, 9 AM to 6 PM, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. Kathryn Wright/  
Primary Examiner, Art Unit 1797